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April 14, 2023

BY ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *D.W., S.B. individually, and S.B. on behalf of their child, A.W. v. New York City Department of Education*, 23-cv-01790 (VEC)

Dear Judge Caproni:

I am the Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendant the New York City Department of Education (the "Department") in the above-referenced action. I write jointly with counsel for Plaintiffs, Noelle Boostani, Esq., to respectfully request that the Court adjourn the upcoming Initial Pretrial Conference ("IPTC") in this action and extend the parties' deadline to submit the related pre-conference Joint Letter.

Plaintiffs D.W. and S.B. are the parents of A.W., a minor student who has received special education services (the "Student"). *See* Complaint (Dkt. No. 1) at ¶ 3. According to the Complaint, (1) S.B. is the prevailing party in an administrative proceeding that concerned the Student's educational placement and services during the 2020-2021 school year (*Id.*, ¶¶ 26, 61); and (2) S.B. initiated an administrative proceeding that concerned the Student's educational placement and services during the 2021-2022 school year, in which the Impartial Hearing Office issued a Pendency Order (*Id.*, ¶¶ 32, 46). Plaintiffs allege that the Department has yet to implement that Pendency Order. (*Id.*, ¶¶ 39, 49, 53.) They request that the Court issue an order, *inter alia*, declaring that the Department has violated Plaintiffs' rights under the Individuals with Disabilities Education Act and 42 U.S.C. § 1983 (*Id.*, ¶¶ 66, 67); awarding reasonable attorneys' fees and costs to Plaintiffs in connection with this action and the underlying administrative proceedings (*Id.*, ¶¶ 69, 70, 72, 73); and enjoining the Department to implement the Pendency Order (*Id.*, ¶ 71).

Plaintiffs filed the Complaint in this action on March 1, 2023. (Dkt. No. 1.) By Order dated March 3, 2023, Your Honor scheduled the IPTC for April 28, 2023, and directed the parties to submit a Joint Letter by April 20, 2023. (Dkt. No. 5.) By letter motion dated March 24, 2023, the Department requested that the Court extend by 60 days the Department's time to respond to the Complaint, from March 27, 2023 to May 26, 2023. (Dkt. No. 7.) As remains pertinent to the present request, the letter motion noted that I would be out of country for two weeks in April. *Id.*¹ By Order dated March 26, 2023, Your Honor granted that request. (Dkt. No. 8.)

Since that time, the parties have mutually expressed and demonstrated their hope to resolve the issues raised in this action without burdening the Court's resources. As an initial matter, the Department has undertaken to internally assess the implementation issues raised in the Complaint, which efforts remains ongoing. Additionally, Plaintiffs recently sent the Department informal document disclosures and limited requests related to Plaintiffs' implementation claims. Finally, in the interest of affording the parties time to resolve Plaintiffs' claims, the parties have agreed to seek adjournment of the aforementioned IPTC and related Joint Letter submission to a time after Defendants' deadline to respond to the Complaint. Accordingly, the parties jointly and respectfully request that the Court (1) extend the parties' deadline to submit a Joint Letter, currently set for April 20, 2023, to June 9, 2023, and (2) adjourn the IPTC, currently scheduled for April 28, 2023, to June 16, 2023. This is the parties' first request to extend the Joint Letter deadline and to adjourn the IPTC.

Thank you for your consideration of this request.

Respectfully,

/s/

Darian Alexander
Assistant Corporation Counsel

CC: BY ECF
all counsel of record

Application GRANTED. The initial pretrial conference scheduled for April 28, 2023, is ADJOURNED to **Friday, June 16, 2023 at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The deadline for the parties' joint submission is adjourned to **June 8, 2023.**

SO ORDERED.



Date: 4/17/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

¹ I will be away from April 18-28, inclusive, which spans roughly the upcoming two work weeks.